



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS**

Ms. Amanda Peterka  
E&E Publishing  
122 C Street N.W.  
Washington, D.C. 20002

RE: Freedom of Information Act Request EPA-HQ-2015-001851

Dear Ms. Peterka:

This is in response to your Freedom of Information Act (FOIA) request submitted November 25, 2014, requesting specific pieces of correspondence identified in the correspondence logs including attachments, enclosures or any other documents that were provided to the Environmental Protection Agency and EPA's responses to the pieces of correspondence which are listed by control numbers and their congressional offices that are in an electronic form. Enclosed are copies of the documents that are responsive to your request. Some of the documents have been redacted or withheld to maintain the privacy of personal information contained in them pursuant to FOIA Exemption 6, U.S.C. § 552(b)(6), as disclosure of such information would constitute an unwarranted invasion of personal privacy.

If you have any concerns, you may appeal this response in writing to the National Freedom of Information Act Officer at:


Records, FOIA, and Privacy Branch  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
Fax: (202) 566-2147  
Email: [hq.foia@epa.gov](mailto:hq.foia@epa.gov)

Please note that only correspondence mailed through the United States Postal Service can be delivered to the address above. If you want to deliver your appeal in person, via courier service, or via an overnight delivery service, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20001.

Your appeal must be submitted no later than 30 calendar days from the date of this letter and should include the request number listed above. The agency will not consider appeals received after the 30 calendar-day limit. For the quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions regarding this response, please contact Loreto Tillery, FOIA Coordinator at (202) 564-2791 or Aretha Brockett, Acting Director for Information Management Division at (202) 564-0911.

Sincerely,

A handwritten signature in black ink, appearing to read "Joyce K. Frank". The signature is fluid and cursive, with the first name "Joyce" being more prominent.

Joyce K. Frank  
Principal Deputy Associate Administrator

Enclosures

**Congress of the United States**

Washington, DC 20510

February 28, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

The Honorable Sylvia Mathews Burwell  
Director  
Office of Management and Budget  
725 17th St., N.W.  
Washington, D.C. 20503

Dear Administrator McCarthy and Director Burwell:

We write to encourage the Administration to adopt changes to the 2014/2015 proposed rule for the Renewable Fuel Standard (RFS) to better reflect the demonstrated production capacity of biodiesel and advanced biofuels. Specifically, we urge you to abide by the statutory obligations within the Energy Independence and Security Act of 2007 to adjust volumes based on availability of qualifying biofuels. Given that the industry produced 1.8 billion gallons of biodiesel in 2013, it is clear that the Administration's proposal does not reflect availability or current capacity. A strong RFS is critical to Washington state, which is on the forefront of biofuels production, research and development, and feedstock cultivation.

Today, Washington state produces millions of gallons of biodiesel. Private and public investments have led to production facilities throughout Washington, with one of the largest independent biodiesel refineries in the nation located on the Olympic Peninsula. These facilities are supported by abundant regionally available agricultural resources.

At the same time, our premier research universities – the University of Washington (UW) and Washington State University (WSU) – and the Pacific Northwest National Laboratory (PNNL) are conducting extensive research into the development of feedstock from regionally available forestry and agriculture products as well as other non-food sources. This research could result in the sustainable production of advanced biofuels and is being supported at the federal level through the United States Departments of Agriculture, Energy, and Transportation.

Leveraging a long-standing history as a global leader in aviation, Washington is also supporting the development of alternative aviation fuels. In 2010, Boeing, Alaska Airlines, the three largest airports in the region, and WSU established the nation's first stakeholder effort to tackle the challenges and opportunities associated with the production of sustainable alternative aviation fuels. More recently, the Federal Aviation Administration (FAA) selected Washington State University to co-lead a new Center of Excellence in Alternative Jet Fuels and Environment that will advance the development of alternative aviation fuels. The Center's research, which WSU will conduct in collaboration with other universities including UW, commercial industries, and government laboratories including PNNL, will support a key FAA goal of improving the energy efficiency of the National Airspace System by at least two percent per year and developing and deploying alternative jet fuels for commercial aviation.

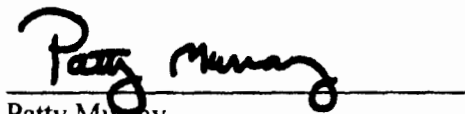
These examples only provide a snapshot of the private and public investments being made in the State of Washington. Our State is a leader in the development of a biofuels industry that could improve our nation's energy security by reducing our dependence on imported petroleum products. Furthermore, this industry has become an important and growing segment of our State's economy.

The Administration's proposal to hold the 2014 biodiesel volume requirement stagnant at 1.28 billion gallons could result in a devastating blow to the domestic biodiesel industry. Biodiesel is a success story for the RFS, exceeding RFS targets each year and producing a record 1.8 billion gallons of biodiesel in 2013. In addition, reducing the advanced biofuels volume requirement to 2.20 billion gallons could halt the research and development currently underway and deter future investments.

To allow the biofuels industry to continue to grow in size and scope in Washington state and throughout the nation, we urge you to increase the 2014 and 2015 biodiesel and advanced biofuels volume requirements in your final rule. The Administration should continue to support this promising sector of our economy, rather than finalizing a proposal that could lead to plant closures and worker layoffs, stall research and development, and create uncertainty over future investments in the biofuels industry.

Thank you for your consideration.

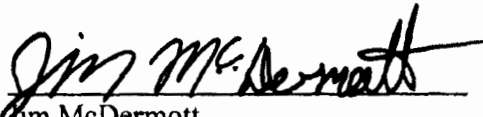
Sincerely,



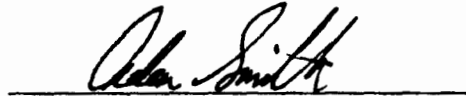
Patty Murray  
United States Senator



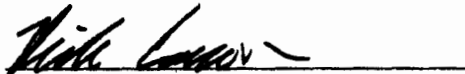
Maria Cantwell  
United States Senator



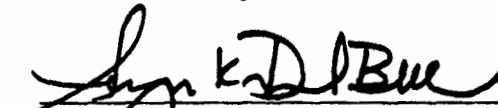
Jim McDermott  
Member of Congress



Adam Smith  
Member of Congress



Rick Larsen  
Member of Congress



Suzan DelBene  
Member of Congress



Denny Heck  
Member of Congress



Derek Kilmer  
Member of Congress

cc: The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

April 4, 2014

The Honorable Patty Murray  
United States Senate  
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter dated February 28, 2014, about the rulemaking titled, *2014 Standards for the Renewable Fuel Standard Program*, to Office of Management and Budget (OMB) Director Sylvia M. Burwell and United States Environmental Protection Agency (EPA) Administrator Gina McCarthy. I am responding on their behalf. Your letter encouraged the Administration to develop a final rule for the 2014 volumes under the Renewable Fuel Standard that reflects the current availability of qualifying biodiesel and states that biodiesel production in 2013 was 1.8 billion gallons.

On August 30, 2013, EPA submitted a draft of its proposed rule to the Office of Information and Regulatory Affairs (OIRA) for our review under Executive Orders 12866 and 13563. OIRA concluded its review on November 15, 2013. For the proposed rule, EPA developed several methodologies for evaluating the expected availability of qualifying renewable fuels, as well as factors that in some cases limit supplying those fuels to the vehicles and equipment that can consume them. Based on that analysis and use of its waiver authorities, EPA proposed reductions from the statutory levels for the 2014 volumes of cellulosic biofuel, advanced biofuel, and total renewable fuel. EPA proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but requested comment on whether to raise the biomass-based diesel volume requirement. EPA also requested comment on many aspects of the proposed rule, including the methodologies used to develop the proposed volumes, and will consider your input and all comments received as it works to develop a draft final rule. OIRA will also take your input under consideration during interagency review of the draft final rule.

Thank you again for sharing your important perspective on this rulemaking. If you have any questions, please contact Kristen J. Sarri, Associate Director for Legislative Affairs, at (202) 395-4790.

Sincerely,

Howard Shelanski  
Administrator  
Office of Information and Regulatory Affairs

cc: The Honorable Gina McCarthy, EPA

AL-14-000-4153

**Congress of the United States**  
**Washington, DC 20515**

January 24, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator McCarthy,

We write to express our concern over the EPA's proposed reductions in the 2014 renewable volume obligations (RVOs) under the Renewable Fuel Standard (RFS). The RFS has been a success story for American energy independence and the development of sustainable rural economies in our home state of Illinois and across the country. As such, we believe it is vital for EPA to get this policy right and allow the RFS to continue to support domestic energy production and jobs.

Since Congress established the current RFS standards in 2007, the policy has contributed to impressive and greatly needed job creation in renewable energy. Specifically, in 2012, the ethanol industry supported 87,000 jobs directly and 295,000 jobs indirectly. These jobs provide good wages that support families across America, many of them in rural communities that might otherwise have limited opportunities for economic growth. Furthermore, the RFS has given certainty to American farmers, who are consistently the most productive in the world, in a business that is often dependent on uncontrollable factors.


Apart from the job creation and domestic economic growth we've seen since implementation of the RFS, ethanol and biofuels are a vital component of the all-of-the-above energy strategy that America needs in order to achieve energy independence. Since the RFS was implemented, oil imports have dropped from 60% of U.S. consumption to 40%. The ethanol industry continues to grow, and the development of new technologies and the ability to use a new generation of feedstocks to produce more advanced fuels provides enormous potential for further decreasing our dependence on foreign sources of energy.

The RFS and the growth of the ethanol industry over the past several years has been a great success story utilizing the productivity of our farmers, putting Americans back to work, and moving us toward energy independence. A forward-looking energy strategy is necessary to continue the progress that has been made; as such, we strongly urge to you revise the proposed reduction in RVOs. We believe that there are many ways forward, and we look forward to working with you on policies that meet our energy needs and continue to support American job creation and domestic energy production. Thank you for your consideration, and we await your response.

Respectfully,



Adam Kinzinger  
Member of Congress



Aaron Schock  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Adam Kinzinger  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Kinzinger:

Thank you for your letter dated January 24, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond to you on her behalf.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule, and your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at [lewis.josh@epa.gov](mailto:lewis.josh@epa.gov) or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "J. McCabe".

Janet G. McCabe  
Acting Assistant Administrator

**SHERROD BROWN**  
OHIO

COMMITTEES:  
AGRICULTURE, NUTRITION,  
AND FORESTRY

BANKING, HOUSING,  
AND URBAN AFFAIRS

FINANCE

VETERANS' AFFAIRS

SELECT COMMITTEE ON ETHICS

*AL-14-000-3855*

**United States Senate**

WASHINGTON, DC 20510 - 3505

January 10, 2014

Ms. Laura Vaught

Associate Administrator for Congressional and Intergovernmental Relations

Environmental Protection Agency

1200 Pennsylvania Ave., N.W, Room 3426 ARN

Washington, District of Columbia 20460

Dear Ms. Vaught:

Enclosed please find a Request for Assistance from *Exempt 4*

Please review this matter and provide me with your comments. Your response should be directed to my Cleveland office at 1301 East 9th Street, Suite 1710, Cleveland, Ohio 44114 (Phone: 216-522-7272; Fax: 216-522-2239).

Thank you for your attention to this request.

Sincerely,

*Sherrod Brown*

Sherrod Brown  
United States Senator

SB:jp

Enclosure

cc: Edward Smolkowicz





# Request for Assistance

SENATOR SHERROD BROWN

NAME exempt b HOME PHONE exempt b  
 ADDRESS exempt b CELL PHONE ( )  
 CITY exempt b WORK PHONE ( )  
 STATE Oh ZIP exempt b COUNTY exempt b EMAIL  
 SS# Medicare# CLAIM#/CASE#  
 (Provide these numbers only if necessary to investigate your case.)

Dear Senator Brown:

I am seeking your assistance in a personal matter involving the federal government. I hereby authorize your office to request, on my behalf, that the appropriate federal agency or agencies investigate the following:  
 (Use reverse side or additional paper, as needed.)

In the very early part of November 2013, I filled complaint on-line with the U.S. EPA concerning possible carcinogenic air pollution infraction in my neighborhood. On 12-5-13, I received an e-mail (copy attached) from the EPA requesting more information. I did respond with more information (copy attached), but I am concerned with the timeliness of the actual investigation and final outcome of my complaint.

Since I believe Agnet LLC burns the insulation off copper wires to recover the copper, and I understand that burning plastic waste improperly can create carcinogenic fumes, I would really appreciate it if your office could expedite the investigation for this complaint.

Thank you so much for your help in this matter.

Sincerely,

exempt b

I further authorize, under the provisions of the Privacy Act of 1974, that the agency or agencies involved have my permission to disclose information from their records about my case or claim to the office of Senator Sherrod Brown.

SIGNATURE [Signature] DATE 12-22-13

Please return this completed form and any other relevant information to:

**Senator Sherrod Brown, 1301 East 9<sup>th</sup> Street, Suite 1710, Cleveland, OH 44114**  
**Phone: 216-522-7272 Fax: 216-522-2239**

E-mail received 12-5-2013:

Good morning or afternoon,

I am an environmental engineer in EPA's Region 5 (IL, IN, MI, MN, OH, and WI) Air Enforcement and Compliance Assurance Branch. Your November 6, 2013, complaint regarding Agmet in Oakwood, Ohio, was assigned to me for investigation. Your Tip/Complaint read:

On Tuesday, 11-5-13, while driving past Agmet LLC, I noticed a smell of burning plastic in the area. I drove down Medusa St. and noticed smoke bellowing from their waste incinerator. This is the same burnt plastic smell that was in our neighborhood for 2 days in the previous week. In all, we smelled burnt plastic 3 nights in the last 7 days, always at night. The smell was so intense one night at 11:00 PM I that called the Walton Hills Police and our councilman to investigate the fumes. I believe Agmet LLC burns the insulation off copper wires to recover the copper. While they have been in this location for quite some time, I feel something is terribly wrong with their incinerator and pollution control systems. Since there are many residential homes and a large nursing home downwind from the plant, I ask that you please investigate Agmet LLC for EPA air quality compliance as soon as possible. Thank you for your help in this important matter.

Have you smelled this odor from Agmet before? How often? What time(s) of day?

Thank you in advance,

*exempt 6*

*exempt 6*

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>.

E-mail Response: 12-5-13

Dear *exempt 6*

Thank you for your response to my complaint.

The 3 times I noticed the odor were all listed in my complaint of 11-13. I did drive by Agmet approximately one week after 11-5-13 and noticed the odor for a forth time and seen smoke originating from the incinerator. While all odor incidences occurred all night, my two drive times were approximately 10:00 pm.

I really do not drive the plant that frequently so I really have no idea how often these odors appear. As far as the odor in our neighborhood, our home is located north-west from the plant and generally the winds in our area blow to the north-east, so I cannot speculate on how often the odors/emissions occur.

It is my belief that Agmet LLC burns the insulation off copper wires to recover the copper. I understand that burning plastic waste improperly can create carcinogenic fumes. I would really appreciate your quick response to this urgent matter.

Thank you, *exempt 6*



## *Office of U.S. Senator Sherrod Brown*

### **FAX TRANSMISSION**

**TO:** Laura Vaught

**DATE:** 1/10/14

**FAX NUMBER:** (202) 501-1519

**NUMBER OF PAGES, INCLUDING THIS COVER SHEET:** 4

**FROM:**

**John Patterson  
Senator Sherrod Brown  
1301 East Ninth St., Suite 1710  
Cleveland, Ohio 44114**

**John\_Patterson@brown.senate.gov**

**Phone: 216-522-7272**

**Fax: 216-522-2239**

**Subject:**

exempt 6

United States Senate

WASHINGTON, DC 20510

May 8, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20004


Re: POP Diesel's Proposed Test Plan to Run and Emissions Test One Semi Truck on 100% Plant Oil Fuel

Dear Administrator McCarthy:

We understand Plant Oil Powered Diesel Fuel Systems, Inc. ("POP Diesel") of Albuquerque, New Mexico, has submitted a test plan to EPA to equip one semi truck with POP Diesel's auxiliary fuel system, run this engine on-highway on POP Diesel's 100% jatropha plant oil fuel, and then submit this engine for chassis emissions testing under the Clean Air Act after the odometer, which currently reads 365,000 miles, reaches 435,000 miles in approximately eighteen months' time.

We ask that you give POP Diesel's test plan your full and careful consideration.

Sincerely,



Tom Udall  
United States Senator



Martin Heinrich  
United States Senator

RAÚL M. GRIJALVA  
3RD DISTRICT, ARIZONA

COMMITTEE ON NATURAL RESOURCES

PUBLIC LANDS AND ENVIRONMENTAL  
REGULATION—*RANKING MEMBER*

INDIAN AND ALASKA NATIVE AFFAIRS

ENERGY AND MINERAL RESOURCES

COMMITTEE ON EDUCATION AND THE WORKFORCE

EARLY CHILDHOOD, ELEMENTARY,  
AND SECONDARY EDUCATION

HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

CONGRESSIONAL PROGRESSIVE CAUCUS  
Co-CHAIR

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0307**

WEBSITE: <http://grijalva.house.gov/>

May 5, 2014

1511 LONGWORTH HOB  
WASHINGTON, DC 20515  
PHONE (202) 225-2435 | FAX (202) 225-1541

738 N. 5TH AVENUE, SUITE 110  
TUCSON, AZ 85705  
PHONE (520) 622-6788 | FAX (520) 622-0198

130 NORTH STATE AVENUE  
P.O. Box 4105  
SOMERTON, AZ 85350  
PHONE (928) 343-7933 | FAX (928) 343-7949

13065 WEST McDOWELL ROAD, SUITE C-123  
AVONDALE, AZ 85392  
PHONE (520) 536-3388 | FAX (623) 748-0451

FACEBOOK: [Facebook.com/Rep.Grijalva](https://www.facebook.com/Rep.Grijalva)  
TWITTER: [Twitter.com/RepRaulGrijalva](https://twitter.com/RepRaulGrijalva)

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3000  
Washington, D.C. 20460

**RE: EPA Federal Implementation Plan for Navajo Generating Station  
(NGS) Docket Number EPA-R09-OAR-2013-0009**

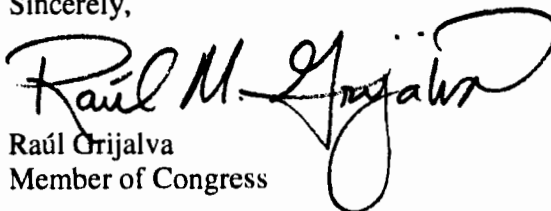
Dear Administrator McCarthy:

I am writing regarding EPA's consideration of the regional haze rule for Navajo Generating Station. At the beginning of the process I wrote and asked that EPA take into consideration all of the factors affecting the Navajo Generating Station. I appreciate your willingness to do so. Today, I ask that EPA proceed on the rulemaking with the same consideration of all of the impacting factors, with the best science in mind.

As you know, we are dealing with a unique plant with a singular history. It was built by the Bureau of Reclamation, which remains a part owner, to generate the bulk of the power for the Central Arizona Project. It was also seen by then Interior Secretary Stewart Udall as a way to assist economic development for the Hopi and Navajo People. It serves those same purposes almost fifty years later.

As you move towards implementation of this proposal, I urge you to continue to proceed with continued focus on the impact the rulemaking will have on the diverse interests of the State.

Sincerely,

  
Raúl Grijalva  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

JUN 03 2014

OFFICE OF THE  
REGIONAL ADMINISTRATOR

The Honorable Raúl Grijalva  
U.S. House of Representatives  
1511 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your letter dated May 5, 2014 to Administrator McCarthy regarding the U.S. Environmental Protection Agency's rulemaking to implement the Best Available Retrofit Technology requirement at Navajo Generating Station (NGS). I have been asked to respond to your letter on behalf of Administrator McCarthy.

I agree that NGS is a unique power plant that assists in the economic development of the Navajo Nation and the Hopi Tribe. I assure you that we continue to consider all the factors that affect NGS and the diverse interests of numerous tribes and the State of Arizona in our final rule for NGS.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact our Congressional Liaison, Brent Maier, at 415.947.4256 or via e-mail at [maier.brent@epa.gov](mailto:maier.brent@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld", is written over a horizontal line.

Jared Blumenfeld

MARK R. WARNER  
VIRGINIA

AL-14-000-7100

## United States Senate

WASHINGTON, DC 20510-4606

March 14, 2014

COMMITTEES:  
FINANCE

BANKING, HOUSING, AND  
URBAN AFFAIRS

BUDGET

INTELLIGENCE

RULES AND ADMINISTRATION

Ms. Joyce K. Frank  
Office of Congressional and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3426 ARN  
Washington, DC 20460

Dear Ms. Frank,

I have recently been contacted by Mr. *exempt b*  
Attached please find a copy of that correspondence. I would appreciate it if you could  
look into this matter and provide me with an appropriate response. Thank you.

Sincerely,



MARK R. WARNER  
United States Senator

MRW/lm  
Enclosure

Mr.

*exempt 6*

*exempt 6*

*exempt 6*

*exempt 6*

Date: 2/3/2014

The EPA is about to issue a ruling that would allow incinerators to be exempt from most emission standards if they burn municipal waste to generate electricity. That definition of waste includes things like plastics and tires, and other things that emit toxic chemicals like Dioxin and Mercury. There are approximately 186,000 incinerators across the country, many, or even all of whom could burn municipal waste and by-pass Clean Air Act standards. You have to stop EPA from allowing this, as it will generate an environmental nightmare across the country. The presidential legacy would be that, despite espousing environmental principals, his Presidency had the worst environmental record of all Presidents. On his watch, the country's air and water began to disintegrate.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 30 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Mark R. Warner  
United States Senate  
Washington, D.C. 20510

Dear Senator Warner:

Thank you for your letter of March 14, 2014, on behalf of your constituent, *exempt* I understand from Mr. *exempt* e-mail that he is concerned about the U.S. Environmental Protection Agency issuing a rule that would exempt municipal waste combustors (MWCs) that generate electricity from regulation under the Clean Air Act. The EPA is not aware of any impending rulings that will exempt MWCs.

As you may know, the Clean Air Act requires the EPA to establish emissions standards for different types of solid waste incineration units, including MWCs that generate electricity. The EPA's MWC regulations include emissions standards for small municipal waste combustion units and large municipal waste combustion units. The regulations that apply to MWC units are found in 40 C.F.R. part 60 subparts AAAA and BBBB for existing sources and 40 C.F.R. part 60 subpart Eb for new sources. More information about our regulations is available at <http://www.epa.gov/reg3artd/airregulations/ap22/combust3.htm>.

Over the past several years, the EPA, state governments, and industry have worked together to dramatically reduce known and measurable industrial dioxin emissions. These efforts have reduced air emissions of dioxins by 90 percent so that today, most Americans have only low-level exposure to dioxins. In addition, the EPA established the National Dioxin Air Monitoring Network (NDAMN) in 1998 to monitor the presence of dioxins in the environment. More information about our dioxin reduction efforts is available at <http://cfpub.epa.gov/ncea/CFM/nceaQFind.cfm?keyword=Dioxin>.

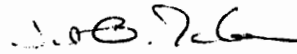
The EPA also works with partners in state, local and tribal governments to implement a variety of programs designed to reduce mercury pollution and impacts. MWCs have been subject to emissions standards for years and as a result, have reduced their mercury emissions by more than 95 percent from 1990 levels. More information about our mercury reduction efforts is available at <http://www.epa.gov/mats/powerplants.html>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at [bailey.kevin@epa.gov](mailto:bailey.kevin@epa.gov) or (202) 564-~~5751~~.

Kevin

2998

Sincerely,



Janet G. McCabe  
Acting Assistant Administrator

MARK R. WARNER  
VIRGINIA

AL-14-000-5041

United States Senate

WASHINGTON, DC 20510-4606

January 30, 2014

COMMITTEES:  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
BUDGET  
RULES AND ADMINISTRATION  
INTELLIGENCE  
JOINT ECONOMIC COMMITTEE

Ms. Joyce K. Frank  
Office of Congressional and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3426 ARN  
Washington, DC 20460

Dear Ms. Frank,

I have recently been contacted by Mr. *exempt*. Attached  
please find a copy of that correspondence. I would appreciate it if you could look into this  
matter and provide me with an appropriate response. Thank you.

Sincerely,



MARK R. WARNER  
United States Senator

MRW/st  
Enclosure

## E-Mail Viewer

Message

Details

Attachments

Headers

Source

x-sender: contact@warner.senate.gov  
 x-receiver: webmail@warner-ic.senate.gov  
 Received: from p-ess-wf2.senate.gov ([156.33.141.78]) by warner-ic.senate.us with  
 Microsoft SMTPSVC(6.0.3790.4675);  
 Tue, 7 Jan 2014 12:31:09 -0500  
 Received: from p-ess-wf2.senate.gov (localhost [127.0.0.1])  
 by p-ess-wf2.senate.gov (Sentrion-MTA-4.2.2/Sentrion-MTA-4.2.2) with ESMTTP id  
 s07HV8Yq016665  
 for <webmail@warner-ic.senate.gov>; Tue, 7 Jan 2014 12:31:08 -0500  
 Received: from p-ess-wf2.senate.gov with LMTP by p-ess-wf2.senate.gov (3.1.2/sieved-3-1-build-  
 1393)  
 for <webmail@warner-ic.senate.gov>; Tue, 7 Jan 2014 12:31:08 -0500  
 Received: from p-ess-www7.senate.gov (ns-dmz.senate.gov [192.168.5.254])  
 by p-ess-wf2.senate.gov (Sentrion-MTA-4.2.2/Sentrion-MTA-4.2.2) with ESMTTP id  
 s07HV7IH016650  
 (version=TLSv1/SSLv3 cipher=DHE-RSA-AES256-SHA bits=256 verify=NO)  
 for <webmail@warner-ic.senate.gov>; Tue, 7 Jan 2014 12:31:07 -0500  
 X-DKIM: OpenDKIM Filter v2.1.3 p-ess-wf2.senate.gov s07HV7IH016650  
 DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=senate.gov;  
 s=senate-sm1311; t=1389115867;  
 bh=gowtNoyq6/Wx5gMIVSlrGaaev4LhIW3T9QbaViS+UEo=;  
 h=Date:From:To:Message-ID:Subject:MIME-Version:Content-Type:  
 Content-Transfer-Encoding;  
 b=RrWw1ldz206aVDsfFc+L9V9AtDPg1n2Tnmq7nb3OGBPEt0BVfYc5GlcWcDTQAKY0Q  
 i+tu5femCep2i7WZa14kc2jQYWr/RBmOkmlyVdgaPGol1sJ8LWINT1MSk+k30iP3VB  
 ChIdQWcu7Q/LIFxvcOdvmajakqydLKkEWfyYsE4=  
 Received: from p-ess-www7 (localhost [127.0.0.1])  
 by p-ess-www7.senate.gov (8.13.8+Sun/8.13.7) with ESMTTP id s07DAb8W004905  
 for <webmail@warner-ic.senate.gov>; Tue, 7 Jan 2014 12:31:07 -0500 (EST)  
 Date: Tue, 7 Jan 2014 12:31:07 -0500 (EST)  
 From: contact@warner.senate.gov  
 To: webmail@warner-ic.senate.gov  
 Message-ID: <1851284424.4876.1389115867421.JavaMail.cfm@localhost>  
 Subject: Contact Senator Warner  
 MIME-Version: 1.0  
 Content-Type: text/plain; charset=UTF-8  
 Content-Transfer-Encoding: 7bit  
 X-Mailer: ColdFusion 9 Application Server  
 X-Client-IP: 192.168.5.254  
 Return-Path: contact@warner.senate.gov  
 X-OriginalArrivalTime: 07 Jan 2014 17:31:09.0377 (UTC) FILETIME=[40B47310:01CF0BCE]  
  
 <IP>216.246.75.189</IP>  
 <APP>SCCMail  
 <PREFIX>Mr.</PREFIX>  
 <FIRST>empty</FIRST>  
 <LAST></LAST>

<ADDR1> *exempt b* </ADDR1>  
 <ADDR2></ADDR2>  
 <CITY> *exempt b* </CITY>  
 <STATE> *exempt b* </STATE>  
 <ZIP> *exempt b* </ZIP>  
 <PHONE> *exempt b* </PHONE>  
 <EMAIL> *exempt b* </EMAIL>  
 <ISSUE>Env</ISSUE>  
 <SUBJECT>EPA regulations on woodburning stoves</SUBJECT>  
 <MSG>Senator Warner,

I strongly urge you to review and oppose EPA proposed regulations on woodburning stoves.

The proposed woodburning stoves regulations are symptomatic of government regulations run amok. Woodburning stoves are not one of the major contributor to air pollution in the US, yet the EPA is proposing very restrictive regulations. These regulations will not increase air quality, but will reduce stove sales, thereby reducing employment and customer choice. The economic benefit analysis of \$118 in medical savings for every \$1 in increased stove cost can't possibly be accurate. If it was accurate we could greatly reduce medical care costs by eliminating all woodburning stoves.

The EPA needs to focus on the major environmental issues and stop proposing rules for very minor pollution sources because these rules are having a severe impact on the US economy.

Sincerely,

*exempt b*  
*exempt b*  
*exempt b*

<RESPONSE>Yes</RESPONSE>  
 </APP>

Close



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL - 2 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Mark Warner  
United States Senate  
Washington, D.C. 20510

Dear Senator Warner:

Thank you for your letter of April 9, 2014, to the U.S. Environmental Protection Agency requesting us to respond to issues raised by your constituent, Mr. *exempt 6* Specifically, he asked you to oppose the EPA's proposed regulation of wood burning stoves.

Our proposed updates to the new source performance standards for new residential wood heaters are intended to address significant air pollution in many parts of the nation, by substantially reducing the fine particle pollution of which wood smoke can be a contributing factor. This human health issue is a major concern of numerous states, tribes, and local jurisdictions.

Residential wood smoke can increase fine particulate matter emissions to levels that cause significant health concerns. Each year, smoke from wood heaters accounts for hundreds of thousands of tons of fine particles throughout the country, mostly during the winter months. Nationally, residential wood combustion accounts for 15 percent of noncancer respiratory effects, nearly 25 percent of all air toxics cancer risk from small sources, and 44 percent of total polycyclic organic matter emissions. For many counties, residential wood smoke either causes them to exceed the EPA's health-based national ambient air quality standards for fine particles or places them on the cusp of exceeding those standards. Partly because emissions from wood stoves occur near ground level in residential communities across the country, setting these new requirements for cleaner new stoves would result in substantial reductions in exposure and meaningful improvements in public health.

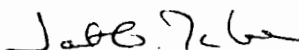
I would like to emphasize that the EPA's proposed regulation would only affect new stoves; existing stoves would not be covered by the rule. As required by Section 111 of the Clean Air Act, the EPA proposes performance standards based on the "best system of emissions reduction" (BSER), considering costs and other impacts. The Clean Air Act also requires the EPA, as we are doing here, to periodically review the standards and update them, as necessary, to reflect current technology.

The EPA's proposed determination is that BSER is already met by a significant portion of the marketplace and is fully demonstrated commercially. Performance has improved considerably since we last set performance standards for new residential wood heaters, and the proposed standards would bring all newly manufactured stoves up to the performance levels that the best systems are already achieving. We expect greater, not less, consumer choice as manufacturers compete in the marketplace to offer the best products.

Furthermore, the health benefits of these proposed regulations are expected to be much greater than the cost to manufacture and use cleaner, lower-emitting appliances. In our initial analysis, we projected annual health benefits of \$1.8 to \$4.2 billion, compared to estimated costs of \$15.7 million. We also forecast that new heaters would see a price increase of between 2 and 6 percent. Our proposal and associated estimates were thoroughly reviewed by the Office of Management and Budget, the Small Business Administration, and other government offices prior to proposal. The comment period on the proposal recently closed, and we are currently reviewing the extensive comments we received.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at [bailey.kevinj@epa.gov](mailto:bailey.kevinj@epa.gov) or (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator